



King County Superior Court Criminal Department Manual

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1 STATEMENT OF PURPOSE

The purpose of this manual is to advise King County Superior Court judges and attorneys, pursuant to LCrR 1.1, of procedures and practices to be followed in criminal cases.

2 ORGANIZATION OF CRIMINAL DEPARTMENT

The Presiding Judge of the King County Superior Court will appoint judges to the Criminal Department to serve for a designated term in accordance with the court's rotation policy.

2.1 JUDGE'S RESPONSIBILITY

The judges in the Criminal Department shall be responsible for the case management and trial of all adult criminal cases within the King County Superior Court.

Sentencing hearings from the Plea Calendar shall be rotated among the judges assigned to the Criminal and Civil Departments. The following departments will not be assigned to sentencing calendars:

- Presiding Judge
- Chief RJC Judge
- Chief Civil Judge
- Chief Criminal Judge
- UFC judges
- Juvenile Department judges
- Seattle out of custody omnibus calendar judge
- Seattle Drug Diversion Judges

Each judge shall be responsible for handling his or her own sentencing hearings following trials or guilty pleas that were assigned as trials.

When sentencing hearings are continued, they shall be heard at a later date by the judge to whom the sentencing was originally assigned.

2.2 CHIEF CRIMINAL JUDGE/CHIEF RJC JUDGE

Cases with an SEA Designation: The Chief Criminal Judge will conduct the mainstream arraignment calendar, trial assignment calendar, expedited motion calendar, bond calendar for all cases except VUCSA cases not yet set for trial, case scheduling hearings on non-VUCSA cases, and the in-custody omnibus calendar.

Cases with a KNT Designation: The Chief RJC Judge will conduct arraignments, trial assignment calendar, expedited motion calendar, bond calendar, case scheduling hearings and will handle or assign omnibus hearings for all criminal case types not previously pre-assigned.

The Chief Criminal Judge and the Chief RJC Judge will make probable cause determinations in the filing of new cases and will resolve any other matters as needed in the absence of the trial or sentencing judge.

2.3 DRUG DIVERSION COURT

The lead Drug Diversion Court Judge will hear the Drug Diversion Court Calendars in both Seattle and Kent and RALJ Readiness Calendar.

The assistant Drug Diversion Court Judge will hear the Drug Diversion Court Calendars and the non-diversion drug arraignments, case scheduling, bond hearings. He/she will also hear guilty pleas and sentencing hearings that are not referred to the plea court.

2.4 CRIMINAL MOTIONS JUDGE

The Seattle Criminal Motions Judge shall hear Criminal Motions and RALJ hearings.

The Kent Criminal Motions Judge shall hear Criminal Motions.

The assignment of the Seattle Criminal Motions Judge shall be made by the Chief Criminal Judge and rotated among the Criminal Department Judges.

The assignment of the Kent Criminal Motions Judge shall be made by the Chief RJC Judge and rotated among the Criminal and Civil (excluding UFC) Department Judges.

2.5 CRIMINAL DEPARTMENT STAFF

- Criminal Department Case Manager
- Seattle Criminal Department Sentencing Coordinator
- Seattle Criminal Department Trial Coordinator II
- Seattle Criminal Department Coordinator I
- Seattle Criminal Department Customer Service Specialist
- Seattle Criminal Department Data Entry Clerk
- RJC Criminal Department Supervisor
- RJC Criminal Department Sentencing Coordinator
- RJC Criminal Department Data Entry Clerk

3 CRIMINAL DEPARTMENT SCHEDULE

3.1 KCCH/SEATTLE

Calendar	Day of the Week	Time	Location
Expedited Motion	Monday – Thursday Monday – Friday	8:30 a.m. 3:00 p.m.	E-1201
Extradition Waivers	Monday – Thursday	8:30 a.m.	E-1201
Mainstream Arraignment	Monday – Thursday	9:00 a.m.	E-1201
VUCSA Arraignment & VUCSA Case Scheduling	Monday - Thursday	1:00 p.m.	Rotates
Bond Calendar	Monday – Thursday	11:00 a.m.	E-1201
Mainstream Case Scheduling (Non VUCSA)	Monday – Thursday	1:00 p.m.	E-1201
Trial Call	Monday – Thursday Friday	3:15 p.m. 2:00 p.m.	E-1201 E-1201
Omnibus – In –Custody	Friday	8:30 a.m.	E-1201
Omnibus – Out-of-custody	Friday	9:30 a.m.	Rotates
Bond Forfeiture Calendar	2 nd Thursday of each month	3:15 p.m.	E-1201
Drug Diversion Court	Monday –Friday	9:00 a.m. 1:30 p.m.	E-912 E-912
Drug Diversion Court	Monday –Friday	9:00 a.m.	W-921
RALJ Readiness Calendar	Friday	1:30 p.m.	E-912

3.2 RJC/KENT

Calendar	Day of the Week	Time	Location
Expedited Motion Calendar	Monday – Thursday	8:30 a.m.	GA
Extradition Waivers	Monday – Thursday	8:30 a.m.	GA
Arraignment Calendar	Monday – Thursday	9:00 a.m.	GA
Bond Calendar	Monday – Thursday	11:00 a.m.	GA
Case Scheduling Calendar	Monday – Thursday	1:00 p.m.	GA
Trial Call Calendar	Monday, Tuesday, Wednesday Friday	1:20 p.m. 1:00 p.m.	GA IF
Omnibus Calendar	Friday	8:30 a.m.	4A
Miscellaneous Motions	Tuesday, Friday	1:30 p.m.	1F
Bond Forfeiture Calendar	2 nd Thursday of each month	TBD	TBD
Drug Diversion Court	Friday	9:30 a.m.	GA

4 CRIMINAL DEPARTMENT CONTACT INFO

4.1 KCCH/SEATTLE

Trial information	296-9130
Criminal Department Staff	296-9130
Scheduling of pleas, sentencing	296-9361
Scheduling 8:30 Expedited Motions, 3:00 Motions and Bond Hearings	296-9238
Access Clerk in courtroom – E-1201	296-9248
Interpreters	296-9358
Schedule Criminal Motions	296-9130
Transcript and recordings of proceeding for Criminal Department Calendars	296-9367
Drug Diversion Court	296-9165
RALJ Readiness Calendar	296-9237

4.2 RJC/KENT

Trial information	205-2504
Scheduling pleas, sentencing	205-2680
Scheduling criminal motions & Bond hearings	205-2504
Access to Clerk in courtroom	205-2513
Interpreters	205-2519
Drug Diversion Court	296-9165

5 ARRAIGNMENT

The arraignment calendars are scheduled by the Prosecuting Attorney's office. Arraignments are scheduled within 14 days of filing. Defendants who do not appear for their scheduled arraignment must contact the Prosecuting Attorney's office to get a new court date.

5.1 BAIL

If a motion to reduce bail, release on personal recognizance or transfer to work release or electronic home monitoring is made at arraignment, a subsequent motion will not be noted absent a change of circumstances. Upon receipt of such a motion, the court will determine whether or not a subsequent bond hearing will be set.

6 APPOINTMENT OF COUNSEL

Prior to assignment of counsel, the Office of Public Defense (OPD) is to screen the case to identify conflicts of interest in the prior or current representation of parties or witnesses.

As soon as discovery is provided, the assigned attorney (or his or her designee) shall again screen for conflicts. All conflicts shall be resolved before the case scheduling hearing.

6.1 CONFLICT OF INTEREST

Where the court determines that there is a conflict of interest, the Office of Public Defense shall reassign the case or shall assign the case to private counsel under a public defender contract.

6.2 MOTION TO WITHDRAW AND SUBSTITUTE OF COUNSEL

Once the trial date has been set, any motion for change of attorney shall be heard by the Chief Criminal Judge or Chief RJC Judge, with notice to opposing counsel.

6.3 CHALLENGE TO DETERMINATION OF FINANCIAL INELIGIBILITY

Where a defendant disputes OPD's determination that he or she is not eligible for appointment of counsel at public expense, the defendant may request court review of the decision. If the court makes a finding of indigency, the court may order OPD to appoint counsel for the defendant with, or without, the requirement that the defendant execute a promissory note payable to OPD for the cost of representation.

7 BOND HEARING CALENDAR

With the exception of Seattle VUCSA cases not yet set for trial, motions to reduce or increase bail or to release a defendant on personal recognizance, prior to trial or plea, are heard by the Chief Criminal Judge or Chief RJC Judge at 11:00 a.m. Monday through Thursday.

Bond hearings for Seattle VUCSA cases not set for trial will be heard by the assistant Drug Diversion Judge.

Counsel may schedule the motion by obtaining an available hearing date from the Chief Criminal Judge's Bailiff or the assistant Drug Diversion Judge's Bailiff in Seattle, or the Criminal Department Supervisor in Kent.

Attorneys can note bond hearings either by phone or in person or by e-mail. The moving party shall notify opposing counsel of the date and time for the bond hearing, CrR 8.1, 8.2, CR 6, 7.

For proper identification of an inmate, the following information is needed to note a bond hearing: the name of the defendant, the defense attorney's name, the CCN (Computer Control Number), the charges and cause number. The bailiff shall forward a copy of the bond calendar by e-mail or fax to the prosecutor's office and to DAJD Court Services.

7.1 BOND HEARING AFTER PLEA OR FINDING OF GUILTY

Once a defendant has pled guilty or been found guilty, all matters concerning bail shall be heard only by the sentencing judge.

Should the sentencing judge grant consent to another judge, under special circumstances, or when the sentencing judge is unavailable for an extended time, a motion for bail may be heard by the Chief Criminal Judge or Chief RJC Judge.

If a pro tem judge hears a guilty plea but not the sentencing any subsequent motions (including release) should be heard by the sentencing judge.

If a pro tem judge hears both a guilty plea and sentencing any subsequent motions (including release) should be heard by the supervising judge who is assigned at the time of sentencing to hear all post-sentencing matters.

8 INTERPRETERS

8.1 STATUTORY REQUIREMENT

When available, the court shall use a certified court interpreter.

8.2 EXAMINATION OF QUALIFIED INTERPRETER

Where a certified interpreter is unavailable, the court may use a qualified interpreter. The court shall conduct a colloquy to determine that the interpreter is qualified and is familiar with the Code of Conduct for Court Interpreters (GR 11.2)

9 COMPETENCY EVALUATION

Upon motion of either party, or upon the court's own motion, the court shall decide if there is reason to doubt the defendant's competency to stand trial.

If the court finds reason to doubt the competency of a defendant, the court shall order a competency evaluation. Alternatively, if the court determines at the outset that the defendant is incompetent, the court may directly commit the defendant for competency restoration.

9.1 CONTESTED EVALUTION

Upon completion of an evaluation, the court will determine whether defendant is competent. Should the prosecutor or the defendant contest the evaluation, a hearing shall be held by the criminal motions.

10 SERVICES AT PUBLIC EXPENSE

In addition to indigent defendants who are determined eligible for assignment of counsel at public expense, other services may be provided at public expense.

Provisions for other services at public expense, such as expert witnesses and investigation services, must be requested through the King County Office of Public Defense (OPD). Such applications may be heard *ex parte*.

Where OPD approves such a request, OPD shall forward the order and pleadings to the Chief Criminal for filing. If defense counsel is seeking an order to seal the order and supporting pleadings, a proposed order sealing, setting forth the authority for the motion to seal, shall accompany the pleadings provided to OPD. The order sealing, itself, may not be sealed.

After a matter has been assigned for trial, the trial judge is authorized to grant up to \$250 for expert services.

10.1 REVIEW OF OPD DECISION

Should a motion to OPD be denied in whole or in part for any reason, defendant may move for review *de novo* before the Chief Criminal Judge or Chief RJC Judge.

Such a motion shall be in writing, and shall include a declaration of indigency; appointment of counsel does not establish indigency *per se*. The motion shall also include all documents that were presented to OPD and a copy of OPD's denial and documents regarding indigency.

It shall be the responsibility for defense counsel to present a motion and proposed order for sealing, if defense counsel is seeking to have the order and supporting pleadings sealed. The order sealing, itself, is not subject to sealing.

10.2 RETAINED COUNSEL

Where retained counsel is seeking appointment of expert services, the request shall be accompanied by the retainer agreement between counsel and defendant or between counsel and any party to the agreement, and a sworn declaration setting forth defendant's assets, income and liabilities.

11 CASE SCHEDULING HEARING

At arraignment the court shall set a case scheduling hearing within 15 days of arraignment. Defendant shall acknowledge, in writing, that he/she has received a copy of the Order Setting the Case Scheduling Hearing.

11.1 CONTINUANCE OF CASE SCHEDULING HEARING

It is the expectation of the court that counsel will have attempted to negotiate the case prior to the first case scheduling hearing. If, however, the matter is not ready to be set for either plea or trial by the time of the first case scheduling, the parties may, by agreement, continue the first case scheduling hearing for a period of up to 21 days without prior court approval, so long as the defendant has signed a waiver of speedy trial. The purpose of the continuance shall be clearly stated on the applicable paperwork.

If the parties do not agree that the case scheduling hearing should be continued or do not agree on the date to which the case scheduling hearing is to be continued or do not agree on the time for trial expiration date, the Chief Criminal or Chief RJC Judge will take the bench and decide the issues.

In Seattle, if the defense is seeking a second or subsequent continuance of the case scheduling hearing, the matter must be brought to the attention of the court. The defendant can sign off on an order but otherwise needs to be present. The parties shall be prepared to address the progress made on the case and if the reason for which the first continuance was sought has been resolved.

Defendants may waive their presence at case scheduling hearings, other than the last case scheduling hearing, by agreement of counsel or with court approval. Counsel must contact the in-court coordinator to request transport of the defendant for the next court hearing.

11.2 SETTING THE TRIAL DATE

At the last case scheduling hearing, the parties shall select a trial date and an omnibus hearing date which shall be no later than three weeks before trial.

A Scheduling Order will be entered and signed by the parties and the Chief Criminal Judge or Chief RJC Judge. Defense counsel shall assure that the defendant signs and is given a copy of the Scheduling Order

and shall certify that defendant has received a copy of the order and the date.

If defendant declines to sign the order, defense counsel shall so inform the court and defendant shall be brought before the court to receive notice of the trial date in open court on the record.

11.3 GUILTY PLEAS

A guilty plea may be entered at the time of the case scheduling hearing. A guilty plea may also be set prior to the next case scheduling hearing; however the plea must be set by contacting the sentencing coordinator or designee.

12 OMNIBUS HEARING

If the matter is set for trial, the court shall set an Omnibus Hearing. If the trial date is more than 45 days from the case scheduling, the omnibus hearing will be set 30 days after the case scheduling hearing to permit the court to monitor the progress of the case.

12.1 CALENDAR

Seattle Omnibus Hearings are scheduled on Friday from 8:30 to noon for in-custody defendants and from 9:30 a.m. to noon for out-of-custody defendants.

RJC omnibus hearings are heard on one calendar, 8:30 a.m. to noon.

If Friday is a non-judicial day, omnibus calendars may be held on the last court day of the week.

12.2 PROCEDURE

Prior to the Omnibus Hearing date, counsel shall meet, prepare a proposed Omnibus Hearing order, identify unresolved motions to be heard at trial, and exchange any additional discovery.

The parties shall propose an Omnibus Hearing Order at the Omnibus Hearing. Counsel will certify, on the record, that the trial date will be met and that no foreseeable issues will result in future requests for a continuance of the trial date.

Unless a written waiver of presence is presented the defendant must be at his/her Omnibus Hearing. Where the state has given written notice of intent to amend the information no waiver of the defendant's presence of the Omnibus Hearing is permitted.

The following procedures are to be followed:

- An agreed order may be entered at the Omnibus Hearing if the parties agree that the parties have met, all discovery including witness interviews, is complete, the information will not be amended, all necessary witnesses are available for trial, and that the parties will be prepared for trial on the assigned date.
- Agreed orders continuing the Omnibus, not affecting the trial date, may be submitted to the court for signature. A reason for the continuance must be set forth in the motion.

- In accordance with CrR 4.7, all discovery shall be completed by the omnibus hearing.
- It is the expectation of the court that the date originally set for trial will be the trial date, absent unforeseeable circumstances. The fact that a case is on its first trial setting is not good grounds to continue a trial date.

12.3 THE JUDGE'S ROLE AT THE OMNIBUS HEARING

At the Omnibus Hearing, the parties will inform the court of any issues affecting the readiness of the case for trial.

If investigation is incomplete, the court may continue the Omnibus Hearing and sign an order to keep attorneys on schedule so that the case is prepared to begin on the assigned trial date.

12.4 THE OMNIBUS HEARING ORDER

At the conclusion of the Omnibus Hearing, an Order on Omnibus Hearing shall be entered memorializing the agreements of counsel and the rulings of the court.

The Omnibus Hearing Orders shall be in substantially the same form as specified in CrR 4.5(h). Such order shall be signed by the court.

13 EXPEDITED MOTIONS CALENDAR

The Expedited Motions Calendar is heard by the Chief Criminal Judge and Chief RJC Judge Monday through Thursday at 8:30 a.m. It is limited to motions for withdrawal and substitution of counsel, competency issues, state's motions to dismiss, motions for continuance of the trial date, and some limited discovery issues.

13.1 SETTING EXPEDITED MOTION

Seattle expedited motions are set directly with the Criminal Department bailiff. Attorneys can note expedited criminal motions either by phone or in person or by e-mail.

RJC motions are set with the Criminal Department Supervisor by telephone or e-mail.

The following information is needed to set an expedited motion: the case name, cause number, charges, prosecutor and defense attorneys' names, custody status, trial date, expiration date, the Computer Control Number (CCN), and the type of motion.

Counsel who have a matter on the Expedited Motions Calendar in Seattle and have an 8:30 Motion in a trial court shall report first to the trial court.

Counsel who have a matter on the Expedited Motions Calendar at the Regional Justice Center and have an 8:30 motion in a trial court shall report first to GA and report to the bailiff that they also have an 8:30 motion in a trial court.

Motions noted on the Expedited Calendar which are not ready to be heard by 9:00 because all counsel and the defendant are not present may be stricken, at the discretion of the judge presiding over the expedited motion calendar

13.2 NOTICE

The party who schedules the motion must notify opposing counsel, CrR 8.2, CR 7(b).

To ensure that opposing counsel receives notice, all reasonable effort must be made to personally serve opposing counsel.

13.3 MOTIONS FOR PREASSIGNMENT

These motions, whether made jointly by the parties or at the request of only one party, shall be heard without oral argument based on a written submission to the Chief Criminal Judge or Chief RJC judge. [See Section 18]

14 CRIMINAL MOTIONS

Criminal motions are set according to the following schedule:

Location	Day of Week	Time	Contact
Seattle	Monday Tuesday Thursday	2:30 p.m.	Criminal Department 296-9130 or via e-mail
Kent	Friday	9:00 a.m.	Criminal Dept. 205-2504 or via e-mail

Special settings can be made available for lengthy motions and to accommodate attorneys in trial. The party setting the motion must provide notice to opposing counsel.

The following information is needed to set a criminal motion: the case name, cause number, prosecutor and defense attorneys' names, custody status, trial date, expiration date, the computer Control Number (CCN), the type and length of motion.

In Seattle, motion documents must be filed before a motion can be set. Motions will be set no sooner than 6 court days from the date the motion is filed or within 5 days of the trial date absent an order shortening time. Orders shortening time should be presented to the criminal motions judge.

14.1 MOTIONS CALENDAR LIMITED

Motions that are brought pursuant to CrR 3.5 and CrR 3.6 are reserved to the trial judge unless otherwise permitted by the Chief Criminal Judge or Chief RJC Judge.

Except for expedited motions heard by the Chief Criminal Judge or Chief RJC Judge, all other criminal motions are heard by the Criminal Motions Judge on the Criminal Motions Calendar. These include:

- Motions for discovery
- Motions to amend (may also be heard at omnibus)
- Motions to sever or join counts or join defendants
- Contested motions to establish the competency of the defendant to stand trial
- Motions for forced medication
- Motions to compel disclosure of a confidential informant

- Other motions referred to the calendar by the Chief Criminal Judge or Chief RJC Judge.

Counsel shall not be excused from a trial in progress to attend a motion argument. Rather, they must arrange for coverage of the motion if they are in trial.

15 GUILTY PLEAS

At the taking of the plea, or shortly thereafter, the Criminal Department Sentencing Coordinator(s) shall assign a date and a time for sentencing, unless sentencing is to occur directly following entry of a plea.

If a guilty plea is entered after the setting of the trial date, an order striking the trial date shall be entered with the court clerk.

Once a guilty plea has been entered, any request for bail reduction or personal recognizance release pending sentencing shall be referred solely to the sentencing judge. [See Section 7.1]

15.1 MOTIONS TO WITHDRAW GUILTY PLEA

Motions to withdraw a guilty plea shall be presented to the judge who took the plea.

If the judge who took the plea is no longer on the bench or not available, the motion to withdraw a guilty plea shall be presented to the sentencing judge.

If the judge who took the plea was a pro tem judge, the motion to withdraw a guilty plea shall be presented to the sentencing judge.

If the sentencing judge was a pro tem judge, the matter shall be presented to the supervising judge who is assigned at the time of sentencing to hear all post-sentencing matters.

16 TRIALS

The Criminal Trial Calendar is prepared by the Criminal Department staff and is called by the Chief Criminal Judge, Chief RJC Judge or Criminal Case Manager. Below is the schedule for the call of the Trial Calendar:

Location	Day of the Week	Time	Room#
Seattle	Monday – Thursday	3:15 p.m.	E-1201
	Friday	2:00 p.m.	Rotates
Kent	Monday, Tuesday, Wednesday	1:20 p.m.	GA
	Friday	1:00 p.m.	1F

Counsel are required to appear at the trial call individually or by an agency representative.

Absent an order to the contrary, the defendant need not appear at the trial call unless a party is seeking a continuance of the trial date.

It is presumed that the parties are ready for trial and will proceed to trial without recesses if a party does not notify the court that it will be seeking a continuance or recess at trial call.

16.1 TRIAL CONTINUANCE

It is expected that trial will occur on the date set at the Case Scheduling Hearing and confirmed at the Omnibus Hearing and that the defendant(s) and witnesses will be available at the designated time.

It is the Criminal Department's goal to assign to trial as many cases as possible each day in an effort to assure trial date certainty and reduce the present backlog of criminal cases.

Once a trial date is confirmed, any change in the trial date will be granted, only upon motion, by the Chief Criminal Judge or the Chief RJC Judge, for good cause on the basis of unforeseen circumstances.

If a case has been assigned to a courtroom for trial and the judge believes a continuance may now be warranted, the case shall be immediately returned to Chief Criminal or Chief RJC Department for ruling on the motion. Continuance motions are not properly heard by the trial judge, except for cases that have been pre-assigned to a judge for pre-trial management.

Motions to continue trial of a pre-assigned case will be heard before the assigned judge.

Any motion for continuance of trial date shall be set upon five days notice to the opposing party, or shortened time with agreement of opposing counsel, or by order of the court.

16.2 CASE ASSIGNED TO TRIAL

At the trial call, the Chief Criminal Judge or Chief RJC Judge will ascertain whether counsel are ready and available for trial. The court should be advised at this time of any matters that will interfere with counsel's availability during any portion of the trial day.

The Chief Criminal Judge or Chief RJC Judge shall then assign cases for trial the next day, or shall place cases on standby status to begin trial the next day as judges or counsel become available.

In assigning cases for trial, the court will endeavor to give priority to cases where time will expire, under the speedy trial rule, to in-custody defendants over out-of-custody defendants, to earlier-filed cases over later-filed cases and to cases involving interpreters.

Counsel can expect to be assigned to a judge as soon as a court and counsel are available.

If counsel or defendant are not ready to proceed when a case is assigned to a judge, the case shall immediately be returned to the Chief Criminal Department for reassignment and a case that is ready will be assigned to that court room.

Any motion to continue the trial date or motion for substitution of counsel shall be heard by the Chief Criminal or Chief RJC Judge.

At the conclusion of the call of the trial calendar, the staff shall advise by telephone and e-mail each trial court of its assignment for the next day, shall advise the jail of defendants who are required to appear in court, shall advise the office of interpreter services if an interpreter is needed, shall advise the jury room of anticipated jury trials and advise those private counsel not appearing for the call of the calendar.

In Seattle, when a case is assigned to a courtroom for trial, it shall also be assigned for a readiness hearing to address any late-developing issues regarding trial readiness. If an attorney anticipates

the need for a recess in the trial, that matter shall be addressed at the readiness hearing.

16.3 CASE ON STANDBY

The Criminal Department staff closely monitor all standby cases. As soon as an attorney clears, the standby case is immediately assigned to a judge by the Criminal Department staff.

Should the case be placed on standby, the defendant(s) and any necessary witnesses must be available for trial within 30 minutes or at the time assigned by the Court.

In the event that an attorney is scheduled for trial for more than one case, priority is given to the following cases:

- Cases with the earliest expiration date
- In- custody over out-of-custody defendants
- Cases with earliest arraignment date
- Co-defendant cases
- Cases with attorney, interpreter or witness availability problems.

When an attorney is assigned to trial, his or her other cases are put on standby status. In the event the priority case is resolved, the case on standby is immediately assigned to an available judge.

An attorney who has a case scheduled on the calendar and who will complete another trial during the scheduled trial day is put on a standby status or may be assigned to an available judge.

If the attorney does not clear, a Criminal Department staff member will prepare an order continuing trial, stating the reason for the continuance, and present the order to the Chief Criminal Judge or Chief RJC Judge for signature.

The Criminal Department staff stays in contact with all assigned judges obtaining updated information on trial status. Interested persons may contact the Criminal Department Staff for updated information.

16.4 MISTRIAL

Hung Jury

If the case is to be re-tried, it is the prosecutor's responsibility to place the issue back on the case scheduling calendar for new omnibus, trial and expiration dates and notify defense counsel.

During Trial

The trial judge shall contact the Chief Criminal Judge or Chief RJC Judge to determine how to proceed following the declaration of a mistrial.

16.5 NEW TRIAL FOLLOWING ORDER, WITHDRAWAL OF PLEA OR REMAND

Following the granting of a motion for new trial, withdrawal of guilty plea, or remand from the Court of Appeals, the prosecuting attorney shall immediately note the matter for a case scheduling hearing. When the case is set for trial, the matter shall be assigned to the next available trial judge, regardless of which judge originally tried the case.

17 FAILURE TO APPEAR/MOTION TO QUASH

If a defendant fails to appear for a hearing or trial, the process for rescheduling the hearing and addressing any outstanding warrants will depend on the hearing that was missed.

17.1 ARREST WARRANT/ARRAIGNMENT

Defendants or defense counsel must contact the Prosecuting Attorney's office to reschedule an arraignment.

17.2 BENCH WARRANT AT CASE SCHEDULING

A defendant or defense counsel must contact the Prosecuting Attorney's office to reschedule a case scheduling hearing and address any outstanding bench warrants.

If the defendant is arrested on the bench warrant, the Prosecuting Attorney's office will reschedule the case scheduling hearing.

17.3 BENCH WARRANT AT OMNIBUS OR TRIAL

Defense counsel may move to quash a warrant issued on or before the trial date by scheduling a motion to quash the warrant before the Chief Criminal or Chief RJC Judge. The defendant shall be present at the hearing or the motion shall not be considered, absent extraordinary circumstances.

If the defendant is arrested on the bench warrant, the Prosecuting Attorney's office will set a case scheduling hearing to set a new trial date.

17.4 BENCH WARRANT AT SENTENCING

Defense counsel must contact the sentencing judge to schedule a motion to quash the warrant and re-set the sentencing date.

If the defendant is arrested on the bench warrant, defense counsel may contact the sentencing court or the Sentencing Coordinator to reschedule the hearing. The Prosecuting Attorney's Sentencing Unit will also notify the Sentencing Coordinator of defendants who have been arrested on a warrant issued at sentencing.

18 PRE-ASSIGNED CASES

The Chief Criminal Judge and Chief RJC Judge may pre-assign a case to a judge.

Once a case is pre-assigned, all pre-trial management is done by the assigned judge including the omnibus hearing and all pre-trial motions.

If a motion to continue trial date or withdraw and substitute counsel is granted by the pre-assigned judge, the bailiff shall notify the Criminal Department staff.

19 SENTENCING

If a defendant pleads guilty in the plea court, at omnibus or at case scheduling, the case shall be assigned a sentencing judge by the Criminal Department Sentencing Coordinator(s). Sentencing may be done at the time of plea by agreement of the parties.

A defendant who pleads guilty in the courtroom after the matter is assigned for trial or who is found guilty by either judge or jury, shall be sentenced by the trial judge.

19.1 POST TRIAL/PLEA RELEASE

After entry of the defendant's guilty plea or a finding of guilt, only the assigned sentencing judge, Chief Criminal Judge or Chief RJC Judge may make a bond decision concerning the defendant. [See Section 7.1]

19.2 SENTENCING CALENDARS

All sentencing calendars are held Friday afternoons between 1:00 p.m. and 4:30 p.m.

The Sentencing Coordinators shall endeavor to assign sentencing hearings equally among all criminal and civil department judges.

A judge will notify the Sentencing Coordinator of scheduled leaves before the preparation of the quarterly sentencing assignment rotation schedule.

- Where a judge is assigned to a sentencing calendar and chooses to take vacation leave or meetings, the judge shall find a replacement.
- Where a judge is assigned to a sentencing calendar and is on sick or family leave, the Sentencing Coordinator will find a replacement.

19.3 SCHEDULING SENTENCING HEARINGS

The Sentencing Coordinator assigns a sentencing judge and a sentencing date immediately after the defendant enters a guilty plea or is found guilty.

The Sentencing Coordinator selects sentencing dates to meet the timely sentencing requirements of RCW 9.94A.110 and to accommodate the schedules of the Court and counsel.

Any change in sentencing date must first be approved by both parties and by the assigned sentencing court. If one party is seeking a continuance of sentencing to which the other party objects, the matter shall be noted for a motion to continue sentencing before the assigned judge. A copy of the Notice of Change of Sentencing Date form must be given to the Criminal Department Sentencing Coordinator to avoid oversetting the sentencing judge.

When a sentencing is continued, it shall be heard at a later date by the judge to whom the sentencing was originally assigned.

19.4 DEPARTMENT OF CORRECTIONS PRESENTENCE REPORT

The Sentencing Coordinator prepares all orders requesting a pre-sentence investigation for sex offenses.

The bailiff shall provide the Criminal Department Sentencing Coordinator with the defendant's correct current address, custody status, date of birth, and charge.

The Department's report, as well as reports by the State and defense counsel, is required by King County Local Criminal Rule 7.2 to be submitted to the sentencing judge at least three days prior to sentencing.

19.5 DOSA EVALUATION

The Sentencing Coordinator orders the examinations and reports provided for in RCW 9.94A.660(2). Counsel shall inform the sentencing coordinator as soon as possible after the plea or verdict that a DOSA is going to be requested.

19.6 EXCEPTIONAL SENTENCES

Counsel who move for an exceptional sentence shall follow the following procedures:

- a) Give notice to the court and opposing counsel that counsel will be presenting a motion for an exceptional sentence;
- b) Prepare Findings of Fact and Conclusions of Law justifying the exceptional sentence and submit them to the sentencing judge and opposing counsel with the pre-sentence report;

- c) If lengthy argument is needed, reschedule the sentencing date with the sentencing court;
- d) Notify opposing counsel of the rescheduled time and date;

19.7 COURT COSTS

At the sentencing, the Department of Judicial Administration will provide a computer printout of costs incurred by the case.

19.8 CREDIT FOR TIME SERVED

The Department of Adult Detention will provide a certification of jail time already served in King County by the defendant.

19.9 INFORMATIONAL FORMS

A number of informational forms must be provided to the defendant at sentencing, depending on the sentencing options used:

- a) Clerk's payment sheet;
- b) Information form for reporting to Department of Corrections for community supervision/probation;
- c) Information sheet for reporting to work release, electronic home detention, CCAP and Helping Hands.

20 SENTENCING VIOLATION HEARINGS

Sentence violation hearings are sometimes referred to as sentence modification or probation violation hearings. Special Assault Unit (SAU) crimes and DV cases in which treatment violations are alleged are handled by the sentencing judge regardless of custody status. Generally, they are set at 8:30 a.m. or 4:00 p.m.

All mainstream cases (non-SAU crime and non-DV) are handled on the SRA (Sentencing Reform Act) Calendar every Friday. If the defendant denies the allegations, the hearing will be stricken from the SRA calendar and set before the sentencing judge. Below is a table of the calendars:

Calendar	Location
Seattle Out of Custody SRA Calendar (for both SEA and KNT cases)	Calendar and location posted outside E1201.
Seattle In Custody SRA Calendar	King County Jail – Seattle
Kent In Custody SRA Calendar	GA

Post sentencing remands of WER/EHD/CCAP go on the in-custody SRA calendar unless the sentencing judge specifically requests a hearing.

21 MATERIAL WITNESS WARRANT/HEARING

21.1 IN-STATE WITNESSES

Upon motion of the prosecuting attorney or defense counsel, a judge may issue a warrant, subject to reasonable bail, for the arrest of a material witness, CrR 4.10.

The judge shall hold a hearing no later than one judicial day after the witness is arrested and present in the county from which the warrant is issued.

If the witness is indigent, counsel shall be appointed for the hearing. The Prosecuting Attorney shall contact OPD upon arrest to assure that the witness is represented.

Upon determination that the testimony of the witness is material and that one of the three conditions above exists, the judge shall set conditions for the witness to be released in accordance with CrR 3.2.

The judge may hold the witness if the testimony cannot be secured adequately by deposition and if further detention is necessary to prevent a failure of justice.

21.2 OUT-OF-STATE WITNESSES

Pursuant to RCW 10.55.060, a judge may issue a certificate requesting an out-of-state material witness to attend a trial or hearing in this state, if the state in which the witness is found provides for its citizens to attend and testify in criminal prosecutions in this state.

The certificate requesting an out-of-state witness to attend a trial in Washington State shall be presented to the Court in the county in which the witness is found.

It shall state the facts upon which the certificate is based and specify the number of days the witness will be required to attend.

An out-of-state witness who has appeared in this state shall not be required to remain longer than the period mentioned in the certificate unless otherwise ordered by the Court.

The issuance of such a certificate is not mandatory upon the receiving court. Granting or denying such a certificate is largely discretionary with the out-of-state court.

The person requesting court assistance in procuring witnesses has the burden of establishing to the satisfaction of the court that the witness is material. The mere assertion that the witness is material is insufficient.

If the witness fails, without good cause, to attend and testify at the hearing or trial, the witness may be punished by the Court for violation of the summons.